

48A C.J.S. Judges § 139

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

V. Discipline, Suspension, or Removal

D. Proceedings

5. Hearing and Determination

§ 139. Open or closed proceedings; confidentiality and accountability

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  11(5.1)

Although a right of public access may not exist with respect to judicial disciplinary proceedings, a constitutional provision may require that such proceedings be open to the public.

A judge may not be entitled to a public hearing of a disciplinary proceeding before a judicial commission where a governing statute provides that all hearings of the commission are confidential.¹ Court approval of the commission's proposed waiver of a public hearing must be obtained before any closed hearing proceeds.² A statute that governs open meetings of governmental bodies may not be applicable to the proceedings of a judiciary disciplinary commission.³

Although a right of public access may not exist with respect to judicial disciplinary proceedings,⁴ a constitutional provision may require that such proceedings be open to the public.⁵ The primary purposes of the constitutional provision requiring proceedings to be open to the public are to eliminate secrecy in formal disciplinary proceedings of the judicial commission and to ensure public accountability of the commission for its disciplinary determinations.⁶

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Footnotes

- 1 Iowa—*In re Inquiry Concerning Stigler*, 607 N.W.2d 699 (Iowa 2000).
As to confidentiality of disciplinary proceedings before judicial commission, see §§ 126 to 128.
- 2 R.I.—*In re Lallo*, 768 A.2d 921 (R.I. 2001).
- 3 Wis.—*State ex rel. Lynch v. Dancey*, 71 Wis. 2d 287, 238 N.W.2d 81 (1976).
- 4 Idaho—*Bradbury v. Idaho Judicial Council*, 136 Idaho 63, 28 P.3d 1006 (2001).
- 5 Cal.—*Recorder v. Commission on Judicial Performance*, 72 Cal. App. 4th 258, 85 Cal. Rptr. 2d 56 (1st Dist. 1999).
- 6 Cal.—*Recorder v. Commission on Judicial Performance*, 72 Cal. App. 4th 258, 85 Cal. Rptr. 2d 56 (1st Dist. 1999).

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